Previous references. 1903–04
~~191~~
Sup. Rev)

File No. 22693 02

Serial Nos. 1–2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 2

Major **~~Part~~ B.** for August 03.

SUBJECT

Mr. Dunning's objection to his being made an Extra Asst Comr. —

From The Excise Comr. No. 5986-3872 3-4-03.
Submits certain correspondence re. the protest of Mr. Dunning against his being appointed an Extra Asst Comr.

2. T. The Excise Comr. No. 1398 14-8-03
Regrets to him to inform Mr. Dunning that his grievances are not real

Compare 30/3 ~~G. B.~~ S. 58

Correspondence filed 7/8/14

GPB—4,000—4-7-11

GOVERNMENT OF MYSORE

GR 226 g02 — 61

PŪRNAPRĀSĀDA,
BANGALORE.

April 9. 1903.

My dear Mr Narayanrie,

I send herewith the files about Mr Dunning - I am sorry for the delay but this memorial had actually been buried up. It has now been received with a D.O. from the Excise Comr and forms an enclosure to this letter. His protest against his being appointed an Extra Asst Comr is also herewith sent. This was also received from the Excise Comr only recently. His application for promotion in connection with the return to Madras of Mr Kearns (Special Excise Officer sent from that post) was regulated in G.O. No 537 of 4th June 1902 - After leaving the Educational Deptt Mr Dunning was chiefly employed in the Police Deptt

2

when apparently at his request
and on the following representation
of the D.G. of Police that he was not
doing the Police work properly he
was after a good deal of discussion
and hesitation taken on to the Police
Dept. His name was borne on the
list of Police Officers and when they
were promoted Mr Dunn was re-
moved from that list and made
an Extra Asst Comr. When he was
originally made a Police Asst Comr
& he was employed in the Police
Dept and was shown in the Schedule
A of Asst Comrs only until 1895 after which
he was shown among Police Officers.
His name has not been shown in
Schedule A of Asst Comrs from 1895
and cannot now be restored with-
the intention is that that list should
gradually exhaust itself - and that
no appts should be made to that list.

He has been removed from the
Police Deptt and as he is now an
Apptt Constr attached to the Police
Deptt he has been properly classed
as an Extra Apptt Constr. on the same
pay as he was drawing in the Police
Deptt.

Regarding Mr Dunn's
wish to be promoted none of those who
were in list A have been made
Senr Apptt constrs, but this treatment
has been regarded as exceptional.
Mr Dunn has no revenue ex-
perience whatever and his work
in the Police Deptt had not been
regarded such as would have rendered
his further retention in that Deptt
desirable - Promotion in that Deptt
was out of question -

The reason
for removing his name from list
A was perhaps his omission when
his examination which he was re
quired to pass in 1894 entitled

[illegible] de d mol do till 1896.

Yours sincerely
[illegible]

D.O. FROM SIR.P.N.KRISHNAMURTI.K.C.I.E., DEWAN OF MYSORE, SUBMITTING A FILE RELATING TO THE CASE OF MR .G.DUNNING, EXCISE ASSISTANT COMMISSIONER.

ORDER

I should like to have the views of Council on this case.

There seem to be two points of view from which it shd be considered:-

(a) the technical, connected with Mr Dunning's failure to pass all three compulsory exams before the end of 1894;

(b) the personal, connected with Mr Dunning's conduct as a police Officer.

As to (a) it appears that Mr Dunning passed the Criml and Reve exams within the prescribed period, and the Civil exam later. This is, as it stands, a reasonable explanation of his removal from schedule A. But the fact of his removal was never formally notified, and the Civil List shows that several Officers are included in that schedule who have not passed the prescribed exams yet. What are the reasons for treating Mr Dunning exceptionally?

As to (b) I can find no papers on the file about Mr Dunnings work as a policeman. I hear that he was not a good officer, and it may be that his record is against his promotion. If that is so, I think we should say so clearly. But unless all are treated alike, it seems unfair to keep him down on technical grounds.

There is a third point about this case, and that is the delay by the head of the Dept, who kept a petition addressed to me against the orders of Govt for about 6 months. The excise Commr gives an explanation. But I am bound to observe that it does not agree with

22.4.03
594

The Secretariat will note the remarks of H.H. as regards the conduct of the file before the Order.

The Secretary will submit a draft Order conveying it authority that Memorials addressed to H.H. should not be kept back by Heads of Depts.

This file will be circulated to the members of the Executive Council

23.IV.03

Circulated

Mr Dunning's attitude. The latter when forwarding his memorial through the proper Official channel, sent a copy to the Private Secretary, and he has since then applied at frequent intervals for its early disposal. I cannot admit the discretion of Heads of Depts to withold memorials of this nature, and I desire that the necessary instructions may be issued.

Lastly I must draw attention to the manner in which the case has been sent up. It is not creditable to either of the offices concerned that a file should be submitted in this untidy condition.

KRMP

21/4/03

Proceedings of the Council of His Highness the Maharaja, conducted at the 14th meeting of the Council held at Ootacamund on Saturday the 9th May 1903.

Present

Sir P. N. Krishna Murti, K.C.I.E., Dewan Presidg.

V. P. Madhava Row Esquire, C.I.E., First Councillor

C. Srinivasaraya Esquire. Second Councillor.

VI Subject (Clause XII of Schedule)

Mr Dunning objection to his appointment as Extra Assistant Commissioner

Opinions of the Dewan and Councillors.

Mr Dunning may be

informed that he has no "
valid grievance inasmuch as
his removal from Schedule A
of Apistant Commissioners in
1894 was due to his failure to
pass the required Examina-
tions within the time granted,
and as he raised no objection
till now to such removal -
Exemption granted in other cases
cannot be construed as "
constituting a claim in his case.
Mr. Dunning was transferred
from the Police to the Excise
Department, as a Special favor,
in both of which Departments, he
has not proved quite a Success-
Mr. Keary, whom Mr Dunning
mentions, was a Special Officer
borrowed temporarily from the
Madras Government for service
in the Excise department - either
as Police Superintendent, 1st
Class, or as Extra Apistant
Commissioner 1st Class, Mr
Dunning is entitled to get a
pay of Rs 450.

Copy"

M. J.

Apistant Secretary.

Submitted to His Highness

Re Mr. Dunning's representation

.....

The Councillors and myself have given Mr. Dunning's representation our best consideration and are of opinion that he has no valid grievance. His promotion depended entirely upon his qualifying himself by passing the prescribed Examinations. He was given repeated warnings by which, however, he did not profit. The removal of his name from the list of Assistant Commissioners, Schedule A, was never objected to till recently. In fact, he must have known that under previous orders, this was a natural consequence of his failure to pass. He, along with other Graded Officers, must, year after year, have received a copy of the Civil List and it is not clear why he did not object till now to his transfer from Schedule A of Assistant Commissioners to the list of Police Officers.

2. As a Police Officer, he was not a success. He was himself anxious for a change and his appointment to the Excise Department was a special favor. There have been exemptions in certain cases, but Mr. Dunning has no right to rely upon them in support of his own case. and as this distance of time it is not easy to account for all of them.

3. In these circumstances, we respectfully recommend that Mr. Dunning's application be rejected. Neither technically nor personally can he say that he has not been justly dealt

* The late Dewan seems to have given each case his careful consideration.

dealt with. Even in the Excise Department he has not been quite a success, and we consider that he has no right to claim any higher pay or allowance than what he is entitled to under the rules. Mr. Kearn's case was an exceptional one and we do not see that there is any analogy between it and Mr. Dunning's case. The matter was finally dealt with so far back as 1894 and it seems undesirable that it should now be reopened.

4. Government have treated Mr. Dunning with all possible liberality and his present complaint does not seem reasonable.

5. He blocked the promotion of several deserving officers in the Police Department for a long time and had therefore to be removed from the list of Police Superintendents and relegated to the list of Extra Assistant Commissioners. Either way, i.e., whether as Police Superintendent, 1st. Class or as Extra Assistant Commissioner, 1st. Class, his pay does not exceed Rs. 450/-.

22.V.03

11

Ootacamund,
24th May 1903.

Dear Sir Krishna Murti.

I find that Mr. Srini-vasiengar has sent you a draft note for submission to His Highness regarding the reference from His Highness about Mr Dunning's Memorial. I trust it will be shown to me for my remarks before it is submitted to His Highness. Mr. Srinivasiengar has favored me with a copy of the note on my requisition. I would not subscribe to all that is said in the note. I find from previous papers that Mr. Srinivasiengar himself had his misgivings about the fairness of putting Mr. Dunning

in the Extra Assistant Commissioner's grade

There is no explanation from the Council about some Assistant Commissioners being admitted to Schedule A without passing all the qualifying Examinations. The entries in the Civil List are not quite correct and I would suggest the Secretary being called upon to give a list of Assistant Commissioners in Schedule A who have not passed the qualifying Examinations and the reasons for their being admitted in the grade without the qualifying tests.

Yours sincerely,

M Gandhara

12

Dear Mr.Madhava Rav,

I am afraid your letter of the 24th, just put into my hands, is received toolate. The note which Mr.Sreenevas Iyengar wrote at our request I thought proceeded exactly on the lines which we agreed upon at the meeting of the Council and was submitted to His Highness. To the best of my recollection you agreed that Mr.Dunning was not a success either as a Police officer or as an

Excise officer and that he was properly put as an Extra Assistant Commissioner. Having been taken out of the A list long ago, it is certain that he cannot be restored to that list which is to exhaust itself and thus disappear alto-gether-and on this point also I believ you Were agreed. I have asked the Secretary to send the information required by you.

Yours sincerely,

(Sd.) P.N.Krishna Murti

25th May 1903.

7

File with
Mrs Cowasjee
I send the
file receipt
despatch 14th
Nov
V. V. B

13

Ootacamund
26th May 1903

Dear Sir Krishna Murti

I believe your note of today's date refers to Mr. Dunning's case. May I request the favor of the papers being ordered to be sent to me to enable me to record my views

Yours Sincerely
V. Krishnamachariar

10(d)

Bhavani House

26th May 1903.

Dear Mr.Madhava Rav,

All right. I shall send up this correspondence to His Highness. It is to be regretted that there should have been this misunderstanding. But to facilitate disposal of the matter will you kindly send me a note of your views at your early convenience ?

yours sincerely

(SD.) P.N.Krishna Murti.

15

Ootacamund,

25th May 1903.

Dear Sir Krishnamurti,

Mr. Sreenivasa Iyenga was only asked to prepare a draft after going over the papers with which he was familiar and this draft was to the best of my recollection to have been considered in Council . I never understood that he was to draft a resolution and that it was to be submitted to His Highness as the opinion of the ~~&&&&&&~~ full Council without my opinion being taken on it . As I object to some of the opinions expressed in it I shall deem it a favor if you will be pleased to lay this before His

Highness so that he may know that I do not endorse everything that is said in the note.

Yours sincerely,

V. Madhava Rao

III 16

Dewan's remarks

Both myself & Mr Sreenivasa Iyer understood Mr M in the same way - but not as now he intended.

The Dewan will be pleased to allow me to remark that I never gave any opi--nion on Mr. Dunning's case as I am repre--sented to have done in the draft Memo proposed to be submitted to His Highness. I record my views as below.

In Govt: Progs. Camp No. 450--60 dated 1st November 1891, the retention of the names of the marginally noted 11 Superintendents and Assistant Superintendents of Police, in the Assistant Commissioner's lists was ordered, and it was distinctly laid down that the "names of such as fail to qualify themselves within the next three years (by passing the ~~xxxx~~ examinations) will be removed from the list of Assistant Commissioners <u>without further notice!</u>" An option was thus left to these officers to pass the Examinations within the period or have their names removed from the Assist--ant Commissioners' list.

In Government Proceedings No.15322-G.3658 dated 18th March 1893, the warning was again brought prominently to the notice of the above officers with the exception of Mr. Knight who had by that time qualified himself.

In Government Proceedings No.17294-302.G.4287 dated 19th April 1893 Mr. H. Ramanujiengar was exempted from passing the Criminal Examination- which alone he had still to pass.

In Government Proceedings

× Mr. K.P.Puttanna Chetty.
" D. Devaraj Urs.
" J.W. Knight.
" H. Ramanujiengar.
" P.R.W. Wetherall
" V.N. Gopaliengar.
" C. Haudin
" M. Chengiah Chetty.
" G. Dunning.
" M. Nanja Raja Urs.
" Mir Kamaluddin Ali Khan.

17

No.333-98 dated 4th December 1893, the marginally noted 7 officers lent to the Police Department who had not yet passed the prescribed tests were again reminded about the condition on which their names were retained in the Assistant Commissioners list, and they were distinctly given to understand that they would retain their relative positions among Assistant Commissioners only on the condition that they completed the prescribed tests by November 1894. Out of these Government were prepared to give ample time to prepare for the examinations in the case of the Older Officers Viz. Mr.Puttanna Chetty and Mr. V.N. Gopaliengar.

Mr. K.P. Puttanna Chetty.
" D. Devaraj Urs.
" P.R.W. Wetherall.
" V.N. Gopaliengar.
" C. Haudin.
" G. Dunning.
" M. Nanja Raja Urs.

In Government Proceedings No.8903-16.G.2115 dated 29th November 1894, the Government recorded a list of Assistant Commissioners of Schedule A. lent to other Departments, and the marginally noted 5 officers were shewn as lent to the Police Department. It was noted against their names that they had to pass one or more tests, but nothing was ordered as regards the removal of any of the names from the A. Schedule as appears to have been originally contemplated by Government in 1891.

Mr. K.P. Puttanna Chetty.
" D. Devaraj Urs.
" C. Haudin.
" G. Dunning.
" M. Nanja Raja Urs.

Of these, Mr. Puttanna Chetty and Mr. Nanja Raja Urs completed their tests in 1895 while Mr.Devaraj Urs appears to have been subsequently exempted.

In the Civil list for 189[illegible] and subsequent years, however, the names of

There is nothing in the record to shew when and how and under what circumstance Mr. Dunning's name was removed from the list prepared for 1895. Having been removed however, for what cannot but be considered as sufficient cause, Mr.Dunning cannot now claim to be reappointed to the A. Schedule nor could the Government so appoint as the A. Schedule is no longer open for any admissions.

When in compliance with his request to be again taken into the general line, Mr.Dunning had to be transferred from the Police line the only course open was to appoint him to the grade of Extra Assistant Commissioner.

I am not clear as to what principle regulates admission to the grade of Senior Assistant Commissioners. If it is not closed to Extra Assistant Commissioners I would put Mr.Dunning in that grade if he has given satisfaction as Excise Assistant Commissioner. On 1st November 1901 the Dewan himself has made the following remarks about Mr.Dunning.

"Regarding Mr.Dunning alone "he (Mr.Srinivasiengar) has any doubt as he is "an old servant and perhaps may think that "he was not fairly treated, and as infra dig "in being made an Extra Assistant Commis- "sioner.

"But Mr.Dunning has failed "every where and there is no prospect of "his leaving the Excise Department. Even as

Dewan's Remarks

If this is the conclusion of the 1st Councillor with regard to Schedule A there is no doubt at all regarding B which is exclusively meant for the new service - Uncovenanted Civil Service - Appointments. If he cannot be retained in the Police list the question is where is he to go - ? His old question that because he did not give satisfaction in the Police Dept, & is getting on but indifferently in the Excise he should be promoted as a Senior Asst Commr.

20

Dewan's remarks
If he does good work making him eligible for work — and I am not one that he has done so what follows is then a reasoning that Mr Dunning is at all events not eligible for promotion as senior asst over as others who are senior and who have by

July 1893

"an Extra Assistant Commissioner he can rise "as Sub Division Officer if he does good work. "I am willing to have this considered again".

× × ××

It has to be stated however in this connection that I note from the Civil list corrected up to July 1894 that Messrs. C. Srikanteswara Iyer and C. Rama Rao are senior to Mr.Dunning, having been promoted to the 3rd grade of Assistant Commissioners on 1st December 1893, and it may be that they are entitled to be made Senior Assistant Commissioners before Mr. Dunning.

11/8 Madhava Rao

To the Dewan

3/7

11251
4. VII-03.

2/88

Will this be sent with the
Counsel for agreement the
memorials to make

(Illegible)

6. VII. 03

To the 2nd Councillor.

7/7/3

C. 11
7-7-03.
(Please see
his note attached)

Note re Mr.Dunning.

I am sorry that there should be any misapprehension as to what transpired at the meeting. I understood that I was asked to record a note of the unanimous opinion of the Council formed after full discussion, and I accordingly drafted a note and sent it to the Dewan. The note bearing the Dewan's signature under date the 25-5-1903 is a fair copy of that note with a slight modification. I did not expect the question to be placed again before the Council.

2. In the 1st Councillor's Memo, I find nothing in Mr.Dunning's favor except that there were a few cases in which the warnings repeatedly given regarding examinations were not strictly enforced. Each case seems to have been dealt with on its own merits. Mr.Dunning who could not plead ignorance of what had been done in his case several years back, should not, in my humble opinion,- as in the opinion of the whole Council as I understood it to be,- be allowed at this distance of time to ask for a reconsideration of his case.

3. Senior Assistant Commissionerships were originally intended for deserving Assistant Commissioners in Schedule A who could not hope to rise to higher grades. They have however since been made available to all Assistant Commissioners

Commissioners in that Schedule. Officers removed from that Schedule cannot, I am afraid, be ~~permitted~~ promoted to a Senior Assistant Commissionership.

4. I beg respectfully to say that the grant of a concession in one case cannot give rise to a claim in another, and that in the matter of promotions merit is preferred to seniority. To exceptional treatment, Mr.Dunning does not seem entitled.

(Colonial Secretary)
20-7-03

(11608/21.VII.03.)

13

Submitted to His Highness.

Mem papers had been sub-
-mitted to His Highness
and had been recalled
as the V.P. Council objected
to the note prepared by
Mr Sheneveix. It was ulti-
-mately decided in a meeting
of the Council - the D.O. Corres-
-pondence on the point
is enclosed - I adhere to
the view expressed in the
note of 22.V.03.

A

C

B (Serial No. 10)

A

Have not been able
to find any reference regarding
Mr Nanjaraja Arasu's
restoration to Schedule A
and it is immaterial &
unexpedient to dwell on the
1st Council is even now of
opinion that Mr Daniel
cannot be restored to Schedule
A.

D

It is too much for me to be
-connected as Officer who
has already been doing
only indifferent work to
promote in a special
grade -

26.VII.03

25

Record of Case submitted for the orders of His Highness the Maharaja.

820

Subject.

Mr Dunning's objection to his appointment as Extra Assistant Commissioner.

Order.

I agree with the Dewan

KRW

29/7/03

928

Order

31.VII.03

1/8/3

1/8

Excise Commissioner's Office

No. 5976/387 Exc. / Bangalore, dated 2nd April 1903

From

P. N. Purnaiya Esqure B.A.,
Excise Commissioner
in Mysore

To

H. V. Nanjundayya Esqure
M. A. B.L.,
Secretary to the Government
of Mysore
General & Revenue Department

Sir,

I have the honor to forward the accompanying correspondence ending with Mr. Carr's Memo of the 16th ultimo, regarding Mr. Dunning's protest against his being appointed an Extra Assistant Commissioner.

I have the honor to be,
Sir,
Your most obedient servant

Excise Commissioner
in Mysore

E.72/3/8/03 2 1902-1903

FROM

P. N. Durnadeya Esquire
Excise Commissioner
in Mysore

To

H. V. Nanjundayya Esquire
Secretary to the Government
of Mysore
General & Revenue Department

Dated 2nd
Despatched 3d } April 1903.
Received

General No. 5976
No. 387
Enclosure No. /

Submits the accompanying correspondence ending with Mr. Carr's Memo of the 16th ultimo regarding Mr. Dunning's protest against his being appointed an Extra Assistant Commissioner.

5/4/03
8/4/03

Kolar. 12th March 1903.

2 (a)

The Dewan to His Highness
the Maha Rajah of Mysore
thro' The Secretary Commissioner in Mysore
and, The Deputy Commissioner
Kolar District

Sir,

I beg to draw your attention to the Proceedings of Government No J 1182-34 dated 6th February 1903, and to the notification in the Mysore Gazette of the 12th Idem, "appointing" me "Extra Asst Commr 1st Class", and, in connection therewith, to state that, as will be apparent from the History of Services of Gazetted

ted Officers in Lunacy corrected up to 31st December 1899," I was "appointed" officiating "Rev. Asst Comm^r" so long ago as the 6th Sept 1890, and was "confirmed" as "Rev. Asst Comm^r" on the 1st Nov 1891, along with Messrs K. Venkat Rau, Chengaiah Chetty, Syud Amir Hassan & Wetherall. My proper position in the Civil List is, therefore, I would beg to submit, in Schedule "A" among the Senior Asst Commissioners.

I must accordingly beg to protest against my now being "appointed," — twelve years afterwards — to the inferior Grade of "Extra. Asst. Commissioner," and would request that you will be pleased to order the insertion

tion of the necessary alteration in the Gazette so as to give me my legitimate position in the Civil List

I would also beg to bring to your notice that, up to date, I have not received any acknowledgment of, or intimation of Orders passed upon, the Memorial to His Highness the Maharajah, which I submitted through the Deputy Commissioner Kolar District on the 20th Sept 1902.

I have the honor to be,

Sir,

your most obedient Servant,

Seth Dunning.

Excise Asst. Commissioner

Kolar District

Forwarded to Mr Lacie Comr.

for favorable consideration

J C Carr

Chief
a brief
report
under Post
Entitlement
Act
20 March
1903

Post
Office
Dept
Washington
D.C.

S.R. 226 & 02

Office Draft.

(82) 3

Mysore Govt., Gen. & Rev. Secretariat

Excise Branch

Progs. of the Govt. of H. H. the Maharaja of Mysore.

File No. (if any) and its date—

Read: Letter no 5976 dy 387/1 2nd April 1903, from the Excise Comr in Mysore & Enclg. certain Correspondence ~~preceding~~ relating to ~~the~~ ~~receipt of~~ the petition made by Mr Geo. Drummond Asstt Comr, Excise Coorg, against his being placed in the list of Extra Asstt Comrs.

Order:

Order no 139 dy 7.7.1900

Extra

U. 8/9/03

Seen 17/9/03

dy 14.8.03.

Mr Drummond will be informed, that he has no valid grievance in connection with his removal from

Section A of Act
Comes in 1894 and
the Lois Factors
to pass the pay.
Ques William the Time
granted, and do the
Jurisdiction
till now to such
a personal, Exemption
granted in other
Cases Cannot be
construed as
Constituting a
Claim in his Case
Mr Dunning was
transferred from
the Police to the
Excise, as a special
favour, in both of
which departments,
he has not found
quite a success.
Mr Keane, when
Mr Dunning mentions,
was a special Officer

2

Sheen borrowed temporarily from the Madras Court for service in the Excise Department. Veitleen as Police Subdt, 1st class or as Extra Asstt Comr, 1st class, Mr Bruning is entitled to get ~~a~~ only a pace of Rs 450.

63/50
11.VIII.83

16/1 S. ordd

13/8/83

Secret.

To the Excise Comr in Mysore

Date 13/8

Date 31/8/83.

Date 3/8/83.